

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1086 OF 1990

Fedders Lloyd Corporation
Pvt.Ltd. ... Plaintiff.

V/s.

Maegaware Computers Ltd. ... Defendants.

Viral K. Rathod i/b. Shah & Sanghvi
for the plaintiff.

CORAM: V.C.DAGA, J.

DATED: 20th December 2007.

P.C.:

. By an order dated 6th December, 2007, the plaintiff was already put on notice that the defendant company is in the process of winding up pursuant to the order of this Court dated 17th July, 1998 and the assets thereof are in the hands of the Official Liquidator.

2. This was recorded in the order dated 6th December, 2007. With this information passed on to the plaintiff, it was obligatory on the part of the plaintiff to approach office of the Official Liquidator and find out the stage of winding up proceedings and details thereof so as to take appropriate step to amend the plaint and to apply for leave from the Company Court. Fifteen days

time was already granted.

3. The learned counsel appearing for the plaintiff informs me that plaintiff has not taken any steps to find out the details of the winding up proceedings. This suit is pending since 1990 i.e. for past 17 years. Looking to the reluctance and absence of desire on the part of the plaintiff to take steps to proceed with the suit, I have no option but to dismiss the suit for want of leave to proceed with the suit.

4. It is needless to mention that in the event, leave is obtained, the plaintiff would be at liberty to apply for revival of the suit, if permissible in law.

5. Suit stands disposed of in terms of this order with no order as to costs.

(V.C.DAGA, J.)